

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

Writ Petition No.11491 of 2007

Date:07.06.2007

Between

V.Pothuraju.

-----Petitioner

And

The Superintending Engineer and another.

-----Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

Writ Petition No.11491 of 2007

ORDER:

Petitioner is the proprietor of a rice mill at Narasaraopet, Guntur District. The premises were inspected on 24.02.2007 and certain irregularities were noticed. Based on the same, a notice of provisional assessment is issued, pointing out that the electricity charges, on account of the irregularity committed by the petitioner, works out to Rs.2,49,401/-. The petitioner was given an option to pay a sum of Rs.1,24,701/-, if he intends to get the power supply restored, and to pay the balance 50% in installments. The petitioner preferred an appeal before the appellate authority, together with an application for stay on 03.05.2007. No orders are said to have been passed as yet. This writ petition is filed seeking appropriate directions to enable the petitioner to get the

power supply restored.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents.

The matter is at the stage of provisional assessment. The actual liability of the petitioner can be determined, only after an order of final assessment is passed. The Electricity Act 2003 enables the respondents to disconnect the power supply, whenever any act of pilferage or malpractice is noticed, and to restore the same, on payment of half of the assessed amount. Therefore, the notice cannot be said to be illegal. Be that as it may, the hardship that was faced by the petitioner, in the event of it being required to pay such a huge amount, even while the final assessment is in progress, would be enormous.

For the foregoing reasons, the Writ Petition is disposed of, directing the respondents to restore power supply to the petitioner, on payment of a sum of Rs.75,000/- (Rupees Seventy Five Thousand Only) together with re-connection charges. There shall be no order as to costs.

07.06.2007

Note: Issue C.C. by 11.06.2007

(B/o)
JSU

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